



**JAMES N. WITKOWIAK**

ALDERMAN, 12TH DISTRICT

November 15, 2004

To the Honorable, the Common Council

Dear Members:

Re: Common Council File 040930

Recommendation of nonrenewal based on non-appearance of the Public Passenger Vehicle Drivers' licenses of Carlos Cruz and Radcliffe Reid.

Recommendation of nonrenewal based on the 2<sup>nd</sup> consecutive non-appearance of the Public Passenger Vehicle Driver's license of Manu Sareen.

Recommendation of renewal with a 10-day suspension based on the police reports of the Public Passenger Vehicle Drivers' licenses of Aleksandr Abramovich and Munir Bhatti (Committee vote: Ayes: 3, Noes: 1, Absent: 1)

Recommendation of renewal of the Class "A" Malt license with a 10-day suspension based on the police report of Hilda Rizeq for the premises located at 833 E. Clarke St. ("Clarke Foods") in the 3<sup>rd</sup> aldermanic district.

Recommendation of renewal of the Class "A" Liquor and Malt license with a 10-day suspension based on the police report and neighborhood objection of Mehboob Lalani for the premises located at 1305 W. Edgerton Ave. ("Express Pantry") in the 13<sup>th</sup> aldermanic district.

Recommendation of renewal of the Class "B" Tavern license with a 15-day suspension of based on the police report and neighborhood objection of Melody Flanigan for the premises located at 2599 S. Logan Ave. ("Flanigan's Call Box") in the 14<sup>th</sup> aldermanic district.

Recommendation of nonrenewal based on non-appearance, the police report and neighborhood objection of the Class "B" Tavern and Tavern Dance license of Alfredo Garcia for the premises located at 2239 S. 13<sup>th</sup> St. ("Club Galaxia") in the 12<sup>th</sup> aldermanic district.


With regard to the items listed above, the Utilities and Licenses Committee held an evidentiary hearing on November 9<sup>th</sup>, 2004.

Pursuant to section 90-11, Milwaukee Code of Ordinances, and section 125.12(12), Wis. Stats., the Committee is transmitting a copy of its Report and Recommendations, regarding the above matters to your Honorable Body.

Pursuant to City Ordinances, prior to the time the Common Council acts on the Committee's Report, **a roll call vote will be taken** to confirm that all members present and voting have read the Committee's Report and any objections that have been filed by the Licensee.

These matters have been scheduled for a hearing before the full Common Council at its meeting on Tuesday, **November 23, 2004** at 9:00 A.M. in the Common Council Chambers.

Respectfully,



James N. Witkowiak, Chair  
Utilities & Licenses Committee

cc: All Council Members  
File No. 040930



**JAMES N. WITKOWIAK**  
ALDERMAN, 12TH DISTRICT

Date: November 11, 2004

To: All Members of the Milwaukee Common Council

From: The Utilities and Licenses Committee

Re: Report of the Renewal Application of Carlos R. Cruz for a Public Passenger Vehicle Driver License.

FINDINGS OF FACT

1. Carlos R. Cruz (hereinafter the "Licensee") is the holder of a Public Passenger Vehicle Driver license in the City and County of Milwaukee, Wisconsin. Said license expired on October 31, 2004.
2. An untimely application to renew said license was filed with the Office of the City Clerk on October 14, 2004.
3. Pursuant to Chapter 100 of the Milwaukee Code of Ordinances and § 349.24 of the Wisconsin Statutes, the matter was referred to the Milwaukee Police Department for investigation. The Milwaukee Police Department filed an objection to renewal of this license dated October 15, 2004. That objection could form the basis of non-renewal or suspension of this license.
4. On October 27, the City Clerk's Office provided notice to the Licensee, pursuant to Chapter 100 of the Milwaukee Code of Ordinances and § 349.24 of the Wisconsin Statutes of police objections that could form the basis for suspension or non-renewal of the license of the licensee and included therewith a copy of the Milwaukee Police Department report. The matter was scheduled for a hearing on the police report on November 9, 2004 at 8:15 a.m. in Room 301B of City Hall. At said date, time and place, the licensee did not appear nor was he represented by counsel.
5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:

A. Notice was sent to Carlos R. Cruz at 1519 W. Mineral St., Milwaukee, WI 53204 along with a copy of the police report on October 27, 2004 in an envelope which was sent by U.S. first-class prepaid mail in an envelope bearing the return address of the License Division, 200 East Wells Street, Room 105, Milwaukee, WI 53202. The address of 1519 W. Mineral St., Milwaukee, WI 53204 was the address given by the applicant on his renewal application. The notice included a copy of the police report. The licensee failed to appear at the hearing and the envelope containing the notice and police report was not returned to the License Division by the U.S. Postal Service.

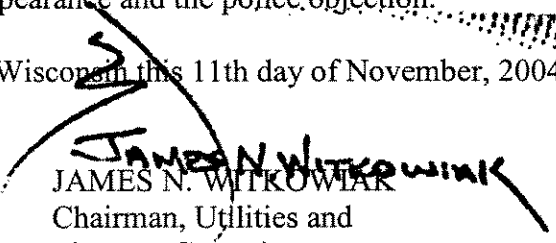
#### CONCLUSIONS OF LAW

1. The Committee has jurisdiction to hold hearings and provide Findings of Fact and Conclusions of Law and a Recommendation to the full Common Council pursuant to Chapter 100 of the Milwaukee Code of Ordinances and § 349.24, Wisconsin Statutes.
2. Based upon the above facts found, the Committee concludes that the licensee, Carlos R. Cruz, has not met the criteria of Chapter 100 of the Milwaukee Code of Ordinances or § 349.24 of the Wisconsin Statutes to allow renewal of his Public Passenger Vehicle Driver license because of nonappearance.

#### RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of three (3) ayes, one (1) excused, and one (1) absent recommends that the Public Passenger Vehicle Driver license of Carlos R. Cruz not be renewed based on non-appearance and the police objection.

Dated and signed at Milwaukee, Wisconsin this 11th day of November, 2004.

  
JAMES N. WITKOWIAK  
Chairman, Utilities and  
Licenses Committee



**JAMES N. WITKOWIAK**  
ALDERMAN, 12TH DISTRICT

Date: November 11, 2004

To: All Members of the Milwaukee Common Council

From: The Utilities and Licenses Committee

Re: Report of the Renewal Application of Radcliffe R. Reid for a Public Passenger Vehicle Driver License.

**FINDINGS OF FACT**

1. Radcliffe R. Reid (hereinafter the "Licensee") is the holder of a Public Passenger Vehicle Driver license in the City and County of Milwaukee, Wisconsin. Said license expires at midnight, October 31, 2004.
2. An untimely application to renew said license was filed with the Office of the City Clerk on October 6, 2004.
3. Pursuant to Chapter 100 of the Milwaukee Code of Ordinances and § 349.24 of the Wisconsin Statutes, the matter was referred to the Milwaukee Police Department for investigation. The Milwaukee Police Department filed an objection to renewal of this license dated October 7, 2004. That objection could form the basis of non-renewal or suspension of this license.
4. On October 27, 2004 the City Clerk's Office provided timely notice to the Licensee, pursuant to Chapter 100 of the Milwaukee Code of Ordinances and § 349.24 of the Wisconsin Statutes of police objections that could form the basis for suspension or non-renewal of the license of the licensee and included therewith a copy of the Milwaukee Police Department report. The matter was scheduled for a hearing on the police report on November 9, 2004 at 8:15 a.m. in Room 301B of City Hall. At said date, time and place, the licensee did not appear nor was he represented by counsel.
5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:
  - A. Notice was sent to Radcliffe R. Reid at 4711 N. 89<sup>th</sup> St., Milwaukee, WI 53225, along with a copy of the police report on October 27, 2004 in an

envelope which was sent by U.S. first-class prepaid mail in an envelope bearing the return address of the License Division, 200 East Wells Street, Room 105, Milwaukee, WI 53202. The address of 4711 N. 89<sup>th</sup> Street, Milwaukee, WI 53225 was the address given by the applicant on his renewal application. The notice included a copy of the police report. The licensee failed to appear at the hearing and the envelope containing the notice and police report was not returned to the License Division by the U.S. Postal Service.

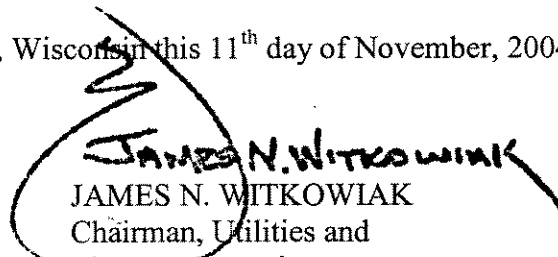
#### CONCLUSIONS OF LAW

1. The Committee has jurisdiction to hold hearings and provide Findings of Fact and Conclusions of Law and a Recommendation to the full Common Council pursuant to Chapter 100 of the Milwaukee Code of Ordinances and § 349.24, Wisconsin Statutes.
2. Based upon the above facts found, the Committee concludes that the licensee, Radcliffe R. Reid, has not met the criteria of Chapter 100 of the Milwaukee Code of Ordinances or § 349.24 of the Wisconsin Statutes to allow renewal of his Public Passenger Vehicle Driver license based upon nonappearance.

#### RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of three (3) ayes, one (1) noe, and one (1) absent recommends that the Public Passenger Vehicle Driver license of Radcliffe R. Reid not be renewed based on nonappearance.

Dated and signed at Milwaukee, Wisconsin this 11<sup>th</sup> day of November, 2004.

  
JAMES N. WITKOWIAK  
Chairman, Utilities and  
Licenses Committee



**JAMES N. WITKOWIAK**

ALDERMAN, 12TH DISTRICT

Date: November 12, 2004

To: All Members of the Milwaukee Common Council

From: The Utilities and Licenses Committee

Re: Report of the Renewal Application of Manu Sareen for a Public Passenger Vehicle Driver License.

FINDINGS OF FACT

1. Manu Sareen (hereinafter the "Licensee") is the holder of a Public Passenger Vehicle Driver license in the City and County of Milwaukee, Wisconsin. Said license expired October 31, 2004.
2. An untimely application to renew said license was filed with the Office of the City Clerk on September 3, 2004.
3. Pursuant to Chapter 100 of the Milwaukee Code of Ordinances and § 349.24 of the Wisconsin Statutes, the matter was referred to the Milwaukee Police Department for investigation. The Milwaukee Police Department filed an objection to renewal of this license dated September 7, 2004. That objection could form the basis of non-renewal or suspension of this license.
4. On September 16, 2004 and October 27, the City Clerk's Office provided notice to the Licensee, pursuant to Chapter 100 of the Milwaukee Code of Ordinances and § 349.24 of the Wisconsin Statutes of police objections that could form the basis for suspension or non-renewal of the license of the licensee and included therewith a copy of the Milwaukee Police Department report. The matter was scheduled for a hearing on the police report on September 28, 2004 and on November 9, 2004 at 8:15 a.m. in Room 301B of City Hall. At said date, time and place, the licensee did not appear nor was he represented by counsel.
5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:

A. Notice was sent to Manu Sareen at 4601 S. 1<sup>st</sup> St., #236, Milwaukee, WI 53207 along with a copy of the police report on September 16, 2004 and October 27, 2004 in an envelope which was sent by U.S. first-class prepaid mail in an envelope bearing the return address of the License Division, 200 East Wells Street, Room 105, Milwaukee, WI 53202. The address of 4601 S. 1<sup>st</sup> St., #236, Milwaukee, WI 53207 was the address given by the applicant on his renewal application. The notice included a copy of the police report. The licensee failed to appear at the hearing and the envelope containing the notice and police report was not returned to the License Division by the U.S. Postal Service. The licensee forwarded a letter to the Office of the City Clerk dated October 5, 2004 indicating his address is 4601 South 1<sup>st</sup> Street, No. 236, Milwaukee, WI 53207.

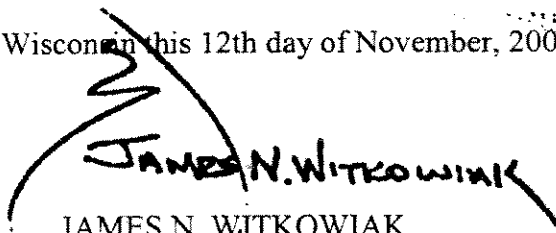
#### CONCLUSIONS OF LAW

1. The Committee has jurisdiction to hold hearings and provide Findings of Fact and Conclusions of Law and a Recommendation to the full Common Council pursuant to Chapter 100 of the Milwaukee Code of Ordinances and § 349.24, Wisconsin Statutes.
2. Based upon the above facts found, the Committee concludes that the licensee, Manu Sareen, has not met the criteria of Chapter 100 of the Milwaukee Code of Ordinances or § 349.24 of the Wisconsin Statutes to allow renewal of his Public Passenger Vehicle Driver license based upon two consecutive non-appearances.

#### RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of four (4) ayes and zero (0) noes and one (1) absent, recommends that the Public Passenger Vehicle Driver license of Manu Sareen not be renewed based on non-appearance and the police objection.

Dated and signed at Milwaukee, Wisconsin this 12th day of November, 2004.



JAMES N. WITKOWIAK  
Chairman, Utilities and  
Licenses Committee





**JAMES N. WITKOWIAK**  
ALDERMAN, 12TH DISTRICT

Date: November 11, 2004

To: All Members of the Milwaukee Common Council

From: The Utilities and Licenses Committee

Re: Report of the Renewal Application of Aleksandr Abramovich for a Public Passenger Vehicle Driver License.

**FINDINGS OF FACT**

1. Aleksandr Abramovich (hereinafter the "Licensee") is the holder of a Public Passenger Vehicle Driver license in the City and County of Milwaukee, Wisconsin. Said license expired October 31, 2004.
2. An untimely application to renew said license was filed with the Office of the City Clerk on October 15, 2004.
3. Pursuant to Chapter 100 of the Milwaukee Code of Ordinances and § 349.24 of the Wisconsin Statutes, the matter was referred to the Milwaukee Police Department for investigation. The Milwaukee Police Department filed an objection to renewal of this license dated October 18, 2004. That objection could form the basis of non-renewal or suspension of this license.
4. On October 28, the City Clerk's Office provided notice to the Licensee, pursuant to Chapter 100 of the Milwaukee Code of Ordinances and § 349.24 of the Wisconsin Statutes of police objections that could form the basis for suspension or non-renewal of the license of the licensee and included therewith a copy of the Milwaukee Police Department report. The matter was scheduled for a hearing on the police report on November 9, 2004 at 8:15 a.m. in Room 301B of City Hall. At said date, time and place, the licensee appeared and was not represented by counsel.
5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:
  - A. On January 6, 2004 the Wisconsin Department of Transportation suspended the applicant's driver's license for a period of 2 months as a result of the accumulation of points on his driver's record. On August 12, 2003 for Defective Speedometer 2

points, October 22, 2003 for Obstructing Traffic 2 points, October 2, 2003 for Speeding 3 points and March 12, 2004 for Imprudent Speed 4 points.

#### CONCLUSIONS OF LAW

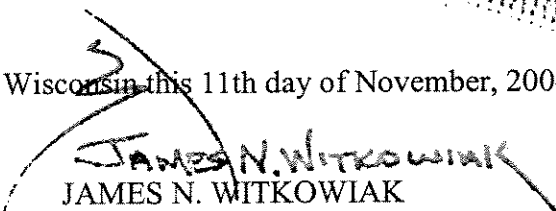
1. The Committee has jurisdiction to hold hearings and provide Findings of Fact and Conclusions of Law and a Recommendation to the full Common Council pursuant to Chapter 100 of the Milwaukee Code of Ordinances and § 349.24, Wisconsin Statutes.
2. Based upon the above facts found, the Committee concludes that the licensee, Aleksandr Abramovich, has not met the criteria of Chapter 100 of the Milwaukee Code of Ordinances or § 349.24 of the Wisconsin Statutes to allow renewal of his Public Passenger Vehicle Driver license without undergoing a ten (10) day suspension.
3. In order to protect the health, safety and welfare of the citizens of the City of Milwaukee, it is the recommendation of the Utilities and Licenses Committee that the full Common Council of the City of Milwaukee should exercise its judgment to renew the Public Passenger Vehicle Driver license of Aleksandr Abramovich with a ten (10) day suspension. The Committee finds the police objection to be true.

#### RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of three (3) ayes, one (1) no and one (1) absent, recommends that the Public Passenger Vehicle Driver license of Aleksandr Abramovich be renewed with a ten (10) day suspension.

Said suspension is to be in force from midnight, November 23, 2004 through midnight, December 3, 2004.

Dated and signed at Milwaukee, Wisconsin this 11th day of November, 2004.

  
JAMES N. WITKOWIAK  
Chairman, Utilities and  
Licenses Committee



**JAMES N. WITKOWIAK**  
ALDERMAN, 12TH DISTRICT

Date: November 11, 2004

To: All Members of the Milwaukee Common Council

From: The Utilities and Licenses Committee

Re: Report of the Renewal Application of Munir M. Bhatti for a Public Passenger Vehicle Driver License.

**FINDINGS OF FACT**

1. Munir M. Bhatti (hereinafter the "Licensee") is the holder of a Public Passenger Vehicle Driver license in the City and County of Milwaukee, Wisconsin. Said license expired on October 31, 2004.
2. An untimely application to renew said license was filed with the Office of the City Clerk on October 14, 2004.
3. Pursuant to Chapter 100 of the Milwaukee Code of Ordinances and § 349.24 of the Wisconsin Statutes, the matter was referred to the Milwaukee Police Department for investigation. The Milwaukee Police Department filed an objection to renewal of this license dated October 15, 2004. That objection could form the basis of non-renewal or suspension of this license.
4. On October 27, the City Clerk's Office provided notice to the Licensee, pursuant to Chapter 100 of the Milwaukee Code of Ordinances and § 349.24 of the Wisconsin Statutes of police objections that could form the basis for suspension or non-renewal of the license of the licensee and included therewith a copy of the Milwaukee Police Department report. The matter was scheduled for a hearing on the police report on November 9, 2004 at 8:15 a.m. in Room 301B of City Hall. At said date, time and place, the licensee appeared and admitted to receipt of the notice of hearing and police objection. The licensee was not represented by counsel.
5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:

- A. On July 22, 2004 the applicant's Wisconsin Drivers License was suspended for 2 months for the accumulation of points. The convictions leading to the suspension were on February 1, 2002 Speed 3 points, February 1, 2002 Speed 6 points, July 17, 2002 Defective Speedometer 2 points, September 11, 2002 Speed 6 points, December 30, 2004 failure to obey sign/signal 3 points; January 6, 2004, speed-intermediate 4 points. His license was reinstated on July 29, 2004.
- B. On July 12, 2004 at 10:30 AM the applicant was cited for Assault/Battery after the applicant took a fare to St. Mary's Hospital, at 2323 N. Lake Drive. The fare needed a wheel chair, but the applicant refused, at first. The applicant then brought a broken chair. When the fare refused to get out of the cab, the applicant punched the fare twice in the face. Assault and Battery Charges are pending as of the November 1, 2004 trial.

### CONCLUSIONS OF LAW

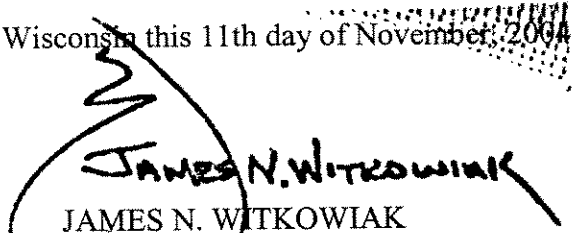
1. The Committee has jurisdiction to hold hearings and provide Findings of Fact and Conclusions of Law and a Recommendation to the full Common Council pursuant to Chapter 100 of the Milwaukee Code of Ordinances and § 349.24, Wisconsin Statutes.
2. Based upon the above facts found, the Committee concludes that the licensee, Munir M. Bhatti, has not met the criteria of Chapter 100 of the Milwaukee Code of Ordinances or § 349.24 of the Wisconsin Statutes to allow renewal of his Public Passenger Vehicle Driver license without undergoing a ten (10) day suspension. The Committee finds the police report to be true.
3. In order to protect the health, safety and welfare of the citizens of the City of Milwaukee, it is the recommendation of the Utilities and Licenses Committee that the full Common Council of the City of Milwaukee should exercise its judgment to renew the Public Passenger Vehicle Driver license of Munir M. Bhatti with a ten (10) day suspension based upon the danger of the licensee's activities pose to the health, safety and welfare of the citizens of the City of Milwaukee. The Committee finds the police objection to be true.

### RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of three (3) ayes, one (1) noe and one (1) absent, recommends that the Public Passenger Vehicle Driver license of Munir M. Bhatti be renewed with a ten (10) day suspension.

Said suspension is to be in force from midnight, November 23, 2004 through midnight, December 3, 2004.

Dated and signed at Milwaukee, Wisconsin this 11th day of November, 2004.



JAMES N. WITKOWIAK  
JAMES N. WITKOWIAK  
Chairman, Utilities and  
Licenses Committee

87179



**JAMES N. WITKOWIAK**  
ALDERMAN, 12TH DISTRICT

Date: November 12, 2004

To: All Members of the Milwaukee Common Council

From: The Utilities and Licenses Committee

Re: Report of the Renewal Application of Hilda K. Rizeq for a Class "A" Malt license for the premises located at 833 E. Clarke Street, in the City and County of Milwaukee, Wisconsin ("Clarke Foods").

**FINDINGS OF FACT**

1. Hilda K. Rizeq (hereinafter the "Licensee") doing business at 833 E. Clarke Street in the City and County of Milwaukee, Wisconsin ("Clarke Foods "). Said license expires at midnight December 20, 2004.
2. An application to renew said license was filed with the Office of the City Clerk on October 6, 2004.
3. Pursuant to Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes, the matter was referred to the Milwaukee Police Department for investigation. There was a Milwaukee Police Department report dated October 7, 2004, which could form the basis for non-renewal or suspension of the license, as well as neighborhood objections to loitering, littering, sales to underage, possible violations of Wis. Stat.125.32(2m) regarding operating a Class "A" or Class "B" for premises under the name and license of another.
4. On October 28, 2004, the City Clerk's Office provided timely notice to the Licensees, pursuant to Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes of police objections that could form the basis for suspension or non-renewal of the license of the Licensee, as well as on the neighborhood objections. The matter was scheduled for a hearing on the police objections on November 9, 2004 at 10:00 a.m. in Room 301B of the third floor of City Hall. At said date, time and place, the licensee appeared and was represented by Attorney Michael Guerin from Gimbel, Reilly, Guerin & Brown at 330 E. Kilbourn Ave., Suite 1170, Milwaukee, Wisconsin 53202.
5. Based upon the sworn testimony heard and the evidence received at the hearing,

the Committee finds the following:

- A. On 4/03/2004 at 8:18 PM officers of the Milwaukee Police Department observed a person exit the licensed premises at 833 E. Clarke Street in the City and County of Milwaukee, Wisconsin ("Clarke Foods") with a case of beer. The police also observed that the individual did not appear to be 21 years of age. Upon questioning the subject, it was determined he was 17 years of age. He had in fact purchased beer and he did not use false ID. He informed police officers that he was not asked for any ID by the sales clerk. At 8:50 PM officers of the Milwaukee Police Department, while maintaining surveillance on the licensed premises, observed three more underage-appearing subjects exit the store, each carrying a case of beer. It was determined that one was 18 years of age, one was 19 years of age and a third was 20 years of age. None had used false ID to obtain the beer. While officers were interviewing those subjects, a person looked out of the window of the store and turned off the lights and locked the store. Officers were unable to determine who sold the beer to those underage subjects. A follow-up investigation was conducted, but no further information was determined. An incident report was filed.

At the hearing, the committee was informed that because the store operated until 9:00 PM, and because of the closeness of this incident to the store closing, the store closed at its regular time of 9:00 PM.

- B. On 4/17/2004 at 8:05 PM officers of the Milwaukee Police Department were conducting surveillance on the licensed premises at 833 E. Clarke Street in the City and County of Milwaukee, Wisconsin ("Clarke Foods"). The officers observed a underage-appearing subject exit the store with beer. The subject was stopped and was found to be 18 years of age. He did not have false ID on his person. The clerk working at the time was one Mr. Jacob Cruz, who is also 18 years of age. Mr. Cruz was cited for Sale to Underage. The matter is pending court review on December 2, 2004.
- C. On 5/14/2004 at 8:52 PM officers of the Milwaukee Police Department were conducting surveillance on the licensed premises at 833 E. Clarke Street in the City and County of Milwaukee, Wisconsin. Officers observed an underage-appearing subject exit the store with a beer. The subject was stopped and found to be 20 years of age. He did not have false ID on his person. While officers were interviewing the subject, officers found the store was closed and were unable to determine who sold the beer to the underage subjects. The licensee was cited for Sale to Underage (licensee responsibility). Court review of this matter is pending for December 2, 2004.

- D. On 5/27/2004 at 5:00 PM an underage police aide, under the direction of police officers, purchased a beer from a clerk at the licensed premises at 833 E. Clarke Street in the City and County of Milwaukee, Wisconsin ("Clarke Foods"). The underage police aide produced her Wisconsin Drivers License which showed her to be 19 years of age, but was sold the beer anyway. Both the applicant and the clerk were cited for the violation. The clerk pled guilty to Sale to an Underage person in Milwaukee Municipal Court and was fined \$152.00 on July 22, 2004.
- E. On 10/27/2004, officers of the Milwaukee Police Department were investigating a complaint that someone other than the licensee was operating the store. At the store officers interviewed one Tariq Abdullatif who related that he is the brother of the licensee. He also related that he operates the store in all respects and is paid in cash by the licensee. Officers examined the store bills and receipts and noted that the malt beverages are ordered by Tariq Abdullatif and are paid for the business checks signed by Tariq Abdullatif. The officers were unable to make contact with the licensee.
- F. At hearing the committee was told that the licensee, Hilda K. Rizeq, is the widow of the former licensee who has died, that she is unfamiliar with many of the regulations that surround the operation of the store and that the brother assists her for these reasons.
- G. Also at the hearing, the Department of Neighborhood Services introduced numerous orders to correct the physical conditions of the building; however, in all cases the time for compliance with the orders has not been achieved.
- H. The Committee did not take into account items 5.B and C because they are pending.

#### CONCLUSIONS OF LAW

1. The Committee has jurisdiction to hold hearings and provided Findings of Fact and Conclusions of Law and a Recommendation to the full Common Council pursuant to Chapter 125 of the Wisconsin Statutes and Chapter 90 of the Milwaukee Code of Ordinances.
2. Based upon the above facts found, the Committee concludes that the licensee, Hilda K. Reziq for the licensed premises at 833 E. Clarke Street ("Clarke Foods") in the City and County of Milwaukee, Wisconsin has not met the criteria of Chapter 90 of the Milwaukee Code of Ordinances to allow renewal of her Class "A" Malt license for the premises without undergoing a ten (10) day suspension. The Committee finds the police report to be true.



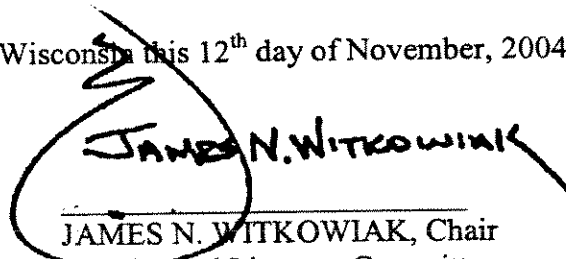
3. In order to protect the health, safety and welfare of the citizens of the City of Milwaukee, it is the recommendation of the Utilities and Licenses Committee that the full Common Council of the City of Milwaukee should exercise its judgment to renew the Class "A" Malt license of Hilda K. Reziq for the premises at 833 E. Clarke Street in the City and County of Milwaukee, Wisconsin ("Clarke Foods") with a ten (10) day suspension based on her past activities as a licensee and the danger continued operation poses to the health, safety and welfare of the citizens of the City of Milwaukee.

#### RECOMMENDATION

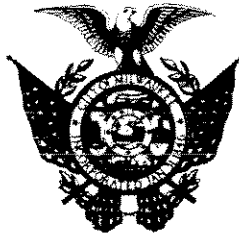
Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of four (4) ayes, zero (0) noes and one (1) excused recommends that the Class "A" Malt license of Hilda K. Reziq for the premises at 833 E. Clarke Street, in the City and County of Milwaukee, Wisconsin, ("Clarke Foods") be renewed with a ten (10) day suspension.

Said suspension is to be in effect from midnight, December 20, 2004 through midnight, December 30, 2004.

Dated and signed at Milwaukee, Wisconsin this 12<sup>th</sup> day of November, 2004.

  
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JAMES N. WITKOWIAK, Chair  
Utilities and Licenses Committee

87256



**JAMES N. WITKOWIAK**

ALDERMAN, 12TH DISTRICT

Date: November 12, 2004

To: All Members of the Milwaukee Common Council

From: The Utilities and Licenses Committee

Re: Report of the Renewal Application of Mehboob Lalani, Agent for Mahak Enterprises, Inc., for a Class "A" Liquor and Malt license for the premises located at 1305 W. Edgerton Avenue, in the City and County of Milwaukee, Wisconsin ("Express Pantry").

FINDINGS OF FACT

1. Mehboob Lalani, Agent for Mahak Enterprises, Inc. (hereinafter the "Licensee") doing business at 1305 W. Edgerton Avenue in the City and County of Milwaukee, Wisconsin ("Express Pantry "). Said license expired at midnight November 5, 2004.
2. An application to renew said license was filed with the Office of the City Clerk on October 6, 2004.
3. Pursuant to Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes, the matter was referred to the Milwaukee Police Department for investigation. There was a Milwaukee Police Department report dated October 7, 2004, which could form the basis for non-renewal or suspension of the license. There were neighborhood objections to loitering, littering, the condition of the premises, public drinking, damage to private property, sales to underage and conduct to the health, safety and welfare of the neighborhood.
4. On October 27, 2004, the City Clerk's Office provided timely notice to the Licensees, pursuant to Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes of police objections that could form the basis for suspension or non-renewal of the license of the Licensee. The matter was scheduled for a hearing on the police objections on November 9, 2004 at 10:15 a.m. in Room 301B of the third floor of City Hall. At said date, time and place, the licensee appeared and was not represented by council.
5. Based upon the sworn testimony heard and the evidence received at the hearing,

the Committee finds the following:

A. On 04/13/2003 an underage police aide, under the direction of Milwaukee Police Department police officers, purchased a beer from a clerk at the licensed premises at 1305 W. Edgerton Avenue in the City and County of Milwaukee, Wisconsin ("Express Pantry"). The police aide did not have to prove the aide's age. About 15 minutes later, officers sent in another underage police aide to attempt to buy alcohol. The second aide was also able to purchase beer without ID. The licensee was cited for Sale of Alcohol to Underage, was found guilty and on August 22, 2003 was fined \$200.00.

B. On 02/26/2004 at 4:45 PM an underage police aide, under the direction of a City of Milwaukee police officer, was able to purchase beer from a clerk at the licensed premises at 1305 W. Edgerton Avenue in the City and County of Milwaukee, Wisconsin ("Express Pantry"). The police aide did not have to show any ID. At 4:50 PM a second underage police aide was able to purchase beer from the same clerk, again, without showing ID. At 4:55 PM a third underage police aide was able to purchase beer from the same clerk without showing any ID. The applicant was not on the scene at the time. The applicant was given three citations for Sale to Underage. All three were dismissed. The clerk was also given three citations and was found guilty and fined on all three. An incident report was filed.

C. On 06/02/2004 at 5:20 PM an underage police aide, under the direction of a City of Milwaukee police officers, was able to purchase a beer from the applicant at the licensed premises at 1305 W. Edgerton Avenue in the City and County of Milwaukee, Wisconsin ("Express Pantry") without presenting ID. The licensee was also found guilty of sale to an underage person and on October 4, 2004 was fined \$152.00.

#### CONCLUSIONS OF LAW

1. The Committee has jurisdiction to hold hearings and provided Findings of Fact and Conclusions of Law and a Recommendation to the full Common Council pursuant to Chapter 125 of the Wisconsin Statutes and Chapter 90 of the Milwaukee Code of Ordinances.
2. Based upon the above facts found, the Committee concludes that the licensee, Mehboob Lalani, Agent for Mahak Enterprises, Inc. for the licensed premises at 1305 W. Edgerton Avenue ("Express Pantry") has not met the criteria of Chapter 90 of the Milwaukee Code of Ordinances to allow renewal of his Class "A" Liquor and Malt license without undergoing a ten (10) day suspension. The Committee finds the police report and neighborhood objections to be true.
3. In order to protect the health, safety and welfare of the citizens of the City of

Milwaukee, it is the recommendation of the Utilities and Licenses Committee that the full Common Council of the City of Milwaukee should exercise its judgment to renew the Class "A" Liquor and Malt license of Mehboob Lalani, Agent for Mahak Enterprises, Inc. for this premises with a ten (10) day suspension.

#### RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of four (4) ayes, zero (0) noes and one (1) excused recommends that the Class "A" Malt license held by Mehboob Lalani, Agent for Mahak Enterprises, Inc., be renewed with a ten (10) day suspension.

Said suspension is to be in effect from midnight, November 23, 2004 through midnight, December 3, 2004.

Dated and signed at Milwaukee, Wisconsin this 12<sup>th</sup> day of November, 2004.

  
JAMES N. WITKOWIAK, Chair  
Utilities and Licenses Committee

87272



**JAMES N. WITKOWIAK**  
ALDERMAN, 12TH DISTRICT

Date: November 12, 2004

To: All Members of the Milwaukee Common Council

From: The Utilities and Licenses Committee

Re: Report of the Renewal Application of Melody M. Flanigan for a Class "B" Tavern license for the premises located at 2599 S. Logan Avenue, in the City and County of Milwaukee, Wisconsin ("Flanigan's Call Box").

FINDINGS OF FACT

1. Melody M. Flanigan (hereinafter the "Licensee") doing business at 2599 S. Logan Avenue in the City and County of Milwaukee, Wisconsin ("Flanigan's Call Box"). Said license expires at midnight, December 16, 2004.
2. An application to renew said license was filed with the Office of the City Clerk on October 1, 2004.
3. Pursuant to Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes, the matter was referred to the Milwaukee Police Department for investigation. There was a Milwaukee Police Department report dated October 6, 2004, which could form the basis for non-renewal or suspension of the license. There were also neighborhood objections to loitering, littering, loud music and noise, disorderly patrons during and after hours, fights, parking and traffic problems, damage to private property, and conduct detrimental to the health, safety and welfare of the neighborhood.
4. On October 27, 2004, the City Clerk's Office provided timely notice to the Licensee, pursuant to Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes of police objections that could form the basis for suspension or non-renewal of the license of the Licensee along with the neighborhood objections. A copy of the police report was included. The matter was scheduled for a hearing on the police objections on November 9, 2004 at 1:45 p.m. in Room 301B of the third floor of City Hall. At said date, time and place, the licensee appeared and admitted receipt of the notice and police report. She was not represented.

5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:

- A. On October 22, 1998 at 2:07 a.m., officers of the Milwaukee Police Department were dispatched to a shooting at the licensed premises at 2599 South Logan Avenue in the City and County of Milwaukee, Wisconsin ("Flanigan's Call Box"). The investigation revealed that one Justin Brennan, who was of legal age, along with a friend who was also of legal age, decided to sneak one Joey Brennan, who was 16 years of age, into the tavern to play pool. The 16 year old was playing pool with another patron and got into an argument with that person. Justin heard the commotion and struck the other patron over the head with a beer bottle. Justin then heard someone yelling at him, and he ran from the tavern and hid outside. Justin Brennan then heard gunshots coming from the tavern, and saw his younger brother Joey Brennan run out of the tavern and fall down in a nearby yard. Joey Brennan died at the scene. The licensee, Melody Flanigan, was upstairs at the time, and the bar was being run by her daughter, one Marisol Flanigan. A check with the City of Milwaukee Detective Bureau revealed that the alcohol content in Joey Brennan's blood was 0.06, and he tested positive for marijuana. Melody Flanigan was cited for disorderly premises (licensee responsibility), found guilty and fined \$345.00 on March 26, 1999. Justin Brennan, the brother of the victim, was cited for contributing to the delinquency of a minor, found guilty on February 24, 1999, and fined \$145.00.
- B. On November 9, 1999 at 8:20 p.m., officers of the Milwaukee Police Department were sent to a claimed tavern violation at the licensed premises at 2599 South Logan Avenue in the City and County of Milwaukee, Wisconsin ("Flanigan's Call Box"). The caller was a neighbor of the tavern, who stated that the tavern was open for business but did not have a tavern license. Upon entering the open tavern, the officers saw a female and two males seated at the bar with drinks in front of them. The officers interviewed the tavern operator, one Marisol Flanigan, who stated that the bar was not open for business. However, she also stated that she had drawn a pitcher of beer from the tap and had given it to a male subject. She asserted that no money had exchanged hands. The subjects at the bar stated that they were helping to clean the bar. The licensee, Melody Flanigan, arrived on the scene and stated that Marisol Flanigan was in the tavern cleaning, and did not have her consent to open the bar to serve alcohol. The investigation revealed that the Class "B" tavern license for the location expired at midnight on November 4, 1999. In addition to the beer, soft drinks were also being served. Marisol Flanigan, the licensee's daughter, was cited for Class "B" tavern license required, and is pending court appearance on that matter on January 18, 2000.

- C. On December 6, 2002 at 2:00 AM a Milwaukee police officer conducted a premises check of the licensed premises at 2599 S. Logan Avenue in the City and County of Milwaukee, Wisconsin ("Flanigan's Call Box"). Approximately 7 persons were inside the tavern and then started to leave. One of the patrons appeared to be under age and after an investigation, it was learned that he was 20 years of age. The manager on the premises at the time was the daughter of the licensee, one Marisol Flanigan. Marisol Flanigan was cited for Permitting Under Age to Enter & Remain on Class "B" premises, and on January 28, 2003 was found guilty and fined \$352.00.
- D. On April 13, 2003 at 9:00 PM an underage police aide entered the license premises of 2599 S. Logan Avenue in the City and County of Milwaukee, Wisconsin ("Flanigan's Call Box") after direction of police officers. The aide was able to purchase a bottle of Miller Beer from the bartender, one Christopher L. Bush, who did not ask for any identification. Bush also did not have a valid Class "D" bartenders license and there was no other licensed person on the premises. Melody Flanigan was cited for No Responsible Person Upon Licensed Premises and Under Age Sale (Licensee Responsibility). She was found guilty on both charges and fined \$341.00 on each charge. The bartender, Christopher L. Bush, was cited for Sale to an Underage Person and Class "D" Operators License Required. He was found guilty on both charges and fined \$150.00 on the Sales Underage and \$341.00 on the Class "D" Operators License Required.
- E. On February 26, 2004 officers of the Milwaukee Police department along with three underage police aides conducted a premises check at the license premises of 2599 S. Logan Avenue in the City and County of Milwaukee, Wisconsin ("Flanigan's Call Box"). The three police aides entered the premises and one of them was able to purchase alcohol from the bartender. The licensee arrived on the scene and was cited for Licensee Responsibility. However, that citation was dismissed on June 9, 2004. The bartender was cited for Sale to an Underage Person and on June 9, 2004 was fined \$100.00.
- F. On September 8, 2004 at 2:50 AM, an officer patrolling in the area in a squad car stopped his vehicle and looked in the window at the bar of the licensee premise of 2599 S. Logan Avenue in the City and County of Milwaukee, Wisconsin ("Flanigan's Call Box"). He observed at least 2 people standing near the front window. After parking his squad, he walked to the front door and could hear music playing. He checked the front door and found it locked. He then checked the side door and also found it locked. The officer went to the front door and knocked several times but received no answer. A supervisor was called for backup. While waiting the officer again looked inside and observed a person with a white

sweater crawling across the floor in front of the bar. When the sergeant arrived, they again rapped at the door, but received no answer. The sergeant told the officer to file a report. On September 10, 2004 an officer went to the tavern and spoke to the bartender, Dawn Schneider. Schneider informed the officer that she was working that night and closed the bar and left shortly after 2:00 AM. Schneider stated that "Marisol" (licensee's daughter) was inside the bar prior to her leaving along with another person known to her as "Michael." The licensee was contacted. The licensee and Marisol denied that anyone was inside the tavern but later said it might have been the cleaning person. Marisol stated that she must have access to the tavern specifically the basement area after hours because that is the way they gain access to the laundry area and, the committee was informed at the hearing, fuse boxes. When Marisol was asked if she was in the tavern at the date and time in question she responded "I don't remember." The licensee was cited for Licensed Premises Accessible and Lighted. That matter is pending. The licensee also stated at hearing no one was crawling across the floor, and that the police officer must have been imagining of any of that happening.

- G. On October 20, 2004 at 2:12 AM officers of the Milwaukee police department conducted a tavern check at the license premises of 2599 S. Logan Avenue in the City and County of Milwaukee, Wisconsin ("Flanigan's Call Box"). Through an exterior window the officers observed the bartender behind the bar and three people sitting at the bar. The bartender stated that she was about to close. The licensee was contacted by an officer and related that she has instructed this bartender to close by 1:45 AM. Officers checked the licenses and found that the Class "B" license was not posted as required by police. The bartender was cited for Patrons After Hours, Licenses to be Posted, and the patrons were cited for "Patrons After Hours." All those matters are currently pending.

#### CONCLUSIONS OF LAW

1. The Committee has jurisdiction to hold hearings and provided Findings of Fact and Conclusions of Law and a Recommendation to the full Common Council pursuant to Chapter 125 of the Wisconsin Statutes and Chapter 90 of the Milwaukee Code of Ordinances.
2. Based upon the above facts found, the Committee concludes that the licensee, Melody M. Flanigan, for the licensed premises at 2599 S. Logan Avenue ("Flanigan's Call Box") has not met the criteria of Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes to allow renewal of her Class "B" Tavern license without undergoing a fifteen (15) day suspension. The Committee finds the police report and neighborhood objections to be true.



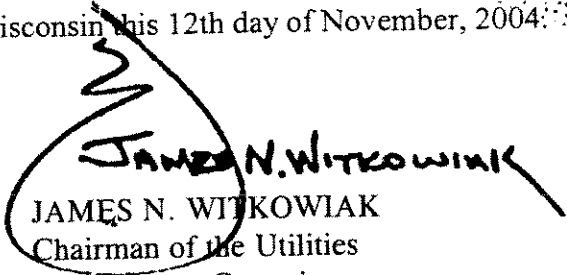
3. In order to protect the health, safety and welfare of the citizens of the City of Milwaukee, it is the recommendation of the Utilities and Licenses Committee that the full Common Council of the City of Milwaukee should exercise its discretion to renew the Class "B" Tavern license of Melody M. Flanigan for the premises at 2599 S. Logan Avenue in the City and County of Milwaukee, Wisconsin ("Flanigan's Call Box") with a fifteen (15) day suspension.

#### RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of four (4) ayes and zero (0) noes and one (1) excused recommends that the Class "B" Tavern license held by Melody M. Flanigan for the premises at 2599 S. Logan Avenue in the City and County of Milwaukee, Wisconsin ("Flanigan's Call Box") be renewed with a fifteen (15) day suspension.

Said suspension is to be in effect from 12:01 a.m., December 16, 2004 through 12:01 a.m. December 31, 2004.

Dated and signed at Milwaukee, Wisconsin this 12th day of November, 2004.

  
JAMES N. WITKOWIAK  
Chairman of the Utilities  
and Licenses Committee



**JAMES N. WITKOWIAK**

ALDERMAN, 12TH DISTRICT

Date: November 12, 2004

To: All Members of the Milwaukee Common Council

From: The Utilities and Licenses Committee

Re: Report of the Renewal Application of Alfredo Garcia, Agent for Almar Enterprises, Inc. 5471 S. Honey Creek Drive, Greenfield, Wisconsin for a Class "B" Tavern license and Tavern Dance renewal application for the premises located at 2239 S. 13<sup>th</sup> Street, in the City and County of Milwaukee, Wisconsin ("Club Galaxia").

**FINDINGS OF FACT**

1. Alfredo Garcia (hereinafter the "Licensee") doing business at 2239 S. 13<sup>th</sup> Street in the City and County of Milwaukee, Wisconsin ("Club Galaxia "). Said license expires at midnight, December 17, 2004.
2. An application to renew said license was filed with the Office of the City Clerk on October 27, 2004.
3. Pursuant to Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes, the matter was referred to the Milwaukee Police Department for investigation. There was a Milwaukee Police Department report dated October 28, 2004, which could form the basis for non-renewal or suspension of the license. There were also neighborhood objections to loitering, littering, disturbing the peace, loud music, noise, cars screeching in the parking lot, traffic and parking problems, criminal activity and violence caused by patrons, vandalism, car break-ins, damage to private property (including bullet holes in residential properties), public urination, gun and knife related incidents, shootings, fights, allowing patrons to take open intoxicants off the license premises and conduct which is detrimental to the health, safety, and welfare of the neighborhood.
4. On November 3, 2004, the City Clerk's Office provided timely notice to the Licensee, pursuant to Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes, of police objections that could form the basis for suspension or non-renewal of the license of the Licensee along with the

neighborhood objections. A copy of the police report was included. The matter was scheduled for a hearing on the police objections on November 9, 2004 at 3:30 p.m. in Room 301B of the third floor of City Hall. At said date, time and place, the licensee did not appear and was not represented by counsel.

5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:
  - A. Notice was sent to the licensee on November 3, 2004 by United States first class mail in an envelope bearing the return address of the License Division. It was addressed to the licensee at Almar Enterprises, Inc. 5471 S. Honey Creek Dr, Greenfield, WI 53221, the address the licensee provided on his application. The notice included a copy of the police report. The notice and envelope were not returned to the License Division by the United States Postal Service.
  - B. A Corporate officer, Maria Garcia, on November 18, 1997, was warned for the possession of a Gambling Machine.
  - C. On March 9, 1998 at about 8:45 PM vice squad officers of the Milwaukee Police department found an illegal Cherry Master slot machine at the license premises of 1921 W. Mitchell Street, in the City and County of Milwaukee, Wisconsin ("El Presidente"). The husband of the licensee, Alfredo Garcia was on the scene. He stated that one Heath Wassermann told him that every 20 points of credit on the machine was worth \$1.00. He was advised that this is how he was to pay off the customers. The machine was confiscated and both subjects were ordered into the district attorney's office. On March 13, 1998, the district attorney decided not to issue charges.
  - D. On November 27, 1998, at approximately 3:00 AM, officers of the Milwaukee police department investigated a battery complaint at St. Francis Hospital. There were three victims who were involved in a fight at the licensed premises at 2201 W. Grant Street in the City and County of Milwaukee, Wisconsin ("Club Vaquero"). Two of the victims were hospitalized in serious condition with head injuries and one victim was treated and released with minor injuries. According to the bartender, Alfredo Garcia, the three injured people became violent with club security when they were denied entrance to the tavern. A fight ensued resulting in injuries to the three men. A criminal complaint was filed.
  - E. On Saturday, December 26, 1998, at 1:43 AM, officers of the Milwaukee police department were dispatched to a fight at the licensed premises at 2201 W. Grant Street in the City and County of Milwaukee, Wisconsin ("Club Vaquero"). The fight claim was found to be baseless. However, the officers were informed by three patrons that they were missing some property. Alfredo Garcia was on the scene. Criminal complaints were filed.

- F. On Sunday, January 31, 1999 at approximately 2:15 AM officers of the Milwaukee police Department conducted a tavern check at the license premises of 2201 W. Grant Street in the City and County of Milwaukee, Wisconsin ("Club Vaquero"). On entering the tavern the officers found four underage persons, three of whom were consuming alcoholic beverages. One of the persons was a reported missing juvenile. The posted capacity was 120 persons and 142 persons were inside the premises. The licensee was not on the scene and the bar was being tended by her husband, Alfredo Garcia. The licensee was cited for Presence of Underage persons and Posting of Occupancy/Over Capacity. She was found guilty of both citations and fined \$345.00 on the presence of underage persons and \$650.00 on the posting of occupancy/over capacity. Both guiltys were determined and the fines imposed on May 20, 1999.
- G. On April 15, 1999 Alfredo Garcia went to 1135 S. 16<sup>th</sup> Street in the City and County of Milwaukee, Wisconsin and punched an individual in the face, accusing him of having an affair with his wife. Alfredo Garcia was cited for Assault and Battery on July 12, 1999, was found guilty and was fined \$330.00.
- H. On December 7, 1999 Alfredo Garcia filed a Renewal Alcohol Beverage license application on which he answered "No" to question #5(a) which asks in part if since filing the last application if he has been convicted of any municipal ordinance violations. Because of letters absentee above, Alfredo Garcia was cited for Truth of Statements and Affidavits-Falsifying. On February 23, 2000 he was found guilty and fined \$350.00.
- I. On March 19, 2000 at 12:21 AM officers of the Milwaukee Police Department were dispatched the licensed premises at 2239 S. 13<sup>th</sup> Street, in the City and County of Milwaukee, Wisconsin ("Club Galaxia") to check for minors. No violations were found, but the officers observed the tavern to be quite crowded and no occupancy sign was posted. The officers issued a citation to Alfredo Garcia for Posting of Occupancy. The City Attorneys Office refused to issue the citation.
- J. On August 19, 2000, at 1:35 AM, officers of the Milwaukee police department conducted a tavern check at the license premises of 2239 S. 13<sup>th</sup> Street in the City and County of Milwaukee, Wisconsin ("Club Galaxia"). Two patrons were found to be underage and cited. The licensee, Alfredo Garcia, was on the premises and was also cited for Presence of Minor Prohibited. On October 10, 2000 he was found guilty and fined \$692.00.
- K. On August 26, 2000, at 1:55 AM, officers from the Milwaukee police department conducted a tavern check of the licensed premises at 1921 W. Mitchell Street of the City and County of Milwaukee, Wisconsin ("El

Presidente"). They observed two patrons who were under the legal drinking age. Both were cited. The officers talked to Mr. Garcia, the husband of the licensee, who stated that the employee who was hired to check ID's did not show up for work. Mr. Alfredo Garcia was also cited for Underage Upon a Class "B" Premises, Licensee Responsibility. On October 19, 2000 he was found guilty and fined \$336.00.

- L. On April 28, 2002 officers were dispatched to the licensed premises of 2239 S. 13<sup>th</sup> Street in the City and County of Milwaukee, Wisconsin ("Club Galaxia") regarding a shooting. The investigation revealed that a security guard had been shot after refusing to allow the patron to enter the bar who did not meet the dress code. The doorman was treated for a gun shot wound to the abdomen. The actor was charged with first degree recklessly endangering safety and an incident report was filed.
- M. On November 23, 2003 officers of the Milwaukee police department conducted a premises check at the license premise of 2239 S. 13<sup>th</sup> Street in the City and County of Milwaukee, Wisconsin ("Club Galaxia"). The officers observed three females that appeared to be underage. The officers requested to see their IDs and none could produce any ID. All three stated that they were told by the bouncer that they were of legal age. The girls, in fact, were determined to be 16, 20 and 14 years of age. The licensee, Alfredo Garcia, was on the scene and was cited for Underaged Persons upon a Class "B" premises. He was found guilty and fined \$1,062.00. A bench warrant was issued regarding this matter.
- N. On December 16, 2003 officers were dispatched to the license premises of 1921 W. Mitchell Street in the City and County of Milwaukee, Wisconsin ("El Presidente"). They were dispatched to the tavern regarding a "suspect down" which was later upgraded to a "substantial battery." The victim had had her hair grabbed, and was punched in the face. A suspect threw a glass and struck the victim in the head causing a laceration which required stitches. The victim and suspect were acquaintances. The victim was with her sister, both of them were underage, and unaccompanied by an adult or guardian. The owner was contacted by the bartender and called to the scene. Alfredo Garcia arrived on the scene, and his wife is the licensee. He was advised of the violations, and issued citations for Presence of Minor Prohibited (2 counts). He was found guilty and fined \$254.00 on February 4, 2004. Two bench warrants have been issued regarding those citations.
- O. On July 24, 2004 officers of the Milwaukee Police department conducted a premises check at the license premises of 2239 S. 13<sup>th</sup> Street in the City and County of Milwaukee, Wisconsin ("Club Galaxia") regarding information received from an informant that gang members were allowed to enter and remain upon the premises and who were also allowed to bring guns into the tavern. Upon entering the premises the officers observed 2 underage female

and one male patron who were issued citations. The officers also arrested a male for Possession of Cocaine with intent to deliver. That individual ran into the men's restroom after observing the uniformed police officers. While checking the premises, officers recovered a .22 caliber Ruger model 1022, with a 25 round banana magazine on the counter of the main bar. The Ruger was loaded. Also recovered were nine 9mm cartridges which were next to the security monitor and which were placed on inventory. The officers spoke to the "manager", Eduardo Garcia, and asked if he knew anyone in the bar that had guns. He related that there were two guns that had been confiscated from patrons and they were located in the safe in the security room. He said he did not have a key or combination to the room. He said he would call his brother, the licensee. While waiting for the licensee, three other underage patrons were discovered and cited. Other patrons were cited for Disorderly Conduct, Obstructing and arrested on open warrants. Officers also recovered a Crown Royal felt bag next to the DJ booth, which contained \$400.00 in cash and two clear sandwich bags containing Cocaine. Total weight of the Cocaine was 13.12 grams. The Cocaine was packaged in several corner cut baggies. Ownership was not determined and the material was placed on inventory. When the licensee arrived he was questioned regarding the safe and whether he had confiscated any guns. He stated he did not have any guns in the safe and does not have the key or combination of the safe. He stated to the officers that they could take the safe. As a result the safe was confiscated. After being inventoried it was opened. It contained one .22 caliber pistol, a pellet gun along with 9 mm cartridge magazines, jewelry and videotapes. The items were placed on inventory. The Manager, Eduardo T. Garcia, was cited for Presence of Minors Prohibited. On September 21, 2004 he was found guilty and fined \$1,770.00.

- P. On September 20, 2004 the applicant and his wife, Mari E. Garcia, were both issued citations for fire prevention and enforcement for the premises at 2239 S. 13<sup>th</sup> Street ("Club Galaxia"). Both matters were set for November 11, 2004.
- Q. On October 8, 2004, 2 men entered the license premises of 2239 S. 13<sup>th</sup> Street in the City and County of Milwaukee, Wisconsin ("Club Galaxia") and fought with the individual who was checking their ID's. When the owner tried to remove the men from the premises, one of the men brandished a gun and shot the doorman in the pelvic region leaving him in critical condition. Both suspects were arrested.
- R. On October 2, 2004 officers of the Milwaukee Police department conducted a routine tavern check of the license premises of 2239 S. 13<sup>th</sup> Street in the City and County of Milwaukee, Wisconsin ("Club Galaxia") and found that the licenses were not properly displayed as required by ordinances, and that two pool tables were without the required permits. Citations were issued to the licensee for Display of License and Pool and Billiard Permit required.

- S. On November 1, 2004 at approximately 10:00 PM officers conducted a check of the premises as a follow up to the incident of October 20, 2004 and found the premises to be open for business. Two subjects were playing pool and another subject was behind the bar. The bartender stated that the owner opened the bar but left to attend a meeting and that no one was put in charge and they were primarily to do the cleaning. None of the individuals present had a valid bartender's license and the two individuals playing pool stated they were employees of the bar, but no employee records could be produced. The individual tending the bar was cited for Class "D" License Required and arrested on a warrant for Possession of a Controlled Substance-Cocaine and a municipal warrant for Harassing and Obscene Phone Calls. One of the other individuals was arrested for Traffic Warrants. Officers then conducted a search of the bar area and recovered the loaded 40 caliber pistol in an area near the bar accessible to the public and a loaded weapon magazine from an unlocked closet. Officers also observed the rear emergency exit to be obstructed and that the licenses were not properly posted. As the officers conducted their investigation, an individual entered the bar and told the officers he thought the bar was open for business. The licensee was issued citations for Safe Egress from Entrance Doors, Class "D" License Required (licensee responsibility) and Display of License.
- T. A check with the Milwaukee police department warrant files reveals open warrants for Alfredo Garcia for Presence of Minors on a Class "B" Premises, Fire Prevention Enforcement, and Violation of Placard. A letter notifying the applicant of the open warrants was sent.
- U. Adjoining neighbors to these premises have witnessed on three to four occasions actual shootings of patrons of the license premises by other patrons.
- V. Adjoining neighbors have observed patrons at closing time occupy parking lots and throwing after-hours parties which are noisy and disruptive from their cars.
- W. Adjoining neighbors have observed patrons leaving the premises with open bottles of beer which are then strewn about the neighborhood and about the parking lots.
- X. Adjoining neighbors have observed patrons on a regular basis, (every Saturday night) engage in racing around the parking lot and squealing tires with their cars. This has caused disruption of the neighbors.
- Y. Adjoining neighbors have observed fights occurring in the premises on a regular basis.

- Z. Adjoining neighbors have observed on one occasion, gang members taking baseball bats and beating on an SUV that was leaving one of the parking lots, which then crashed into another vehicle.
- AA. Adjoining neighbors testified that on at least one occasion patrons from the premises fired shots into an adjoining home where the children of one of the witnesses were sleeping, and that the bullets were lodged into the ceiling of the room in which the witness's children were sleeping.
- BB. Adjoining neighbors noted that patrons of the premises illegally use, and without authorization, parking lots of adjoining businesses for the parking of the vehicles of the patrons of this establishment.

### CONCLUSIONS OF LAW

1. The Committee has jurisdiction to hold hearings and provided Findings of Fact and Conclusions of Law and a Recommendation to the full Common Council pursuant to Chapter 125 of the Wisconsin Statutes and Chapter 90 of the Milwaukee Code of Ordinances.
2. Based upon the above facts found, the Committee concludes that the licensee, Alfred Garcia Agent for Almar Enterprises, Inc. for the licensed premises at 2239 S. 13<sup>th</sup> Street ("Club Galaxia") has not met the criteria of Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes to allow renewal of his Class "B" Tavern and Tavern Dance license. The Committee finds the police report to be true.
3. In order to protect the health, safety and welfare of the citizens of the City of Milwaukee, it is the recommendation of the Utilities and Licenses Committee that the full Common Council of the City of Milwaukee should exercise its discretion to not renew the Class "B" Tavern and Tavern Dance license for the premises at 2239 S. 13<sup>th</sup> Street in the City and County of Milwaukee, Wisconsin ("Club Galaxia").

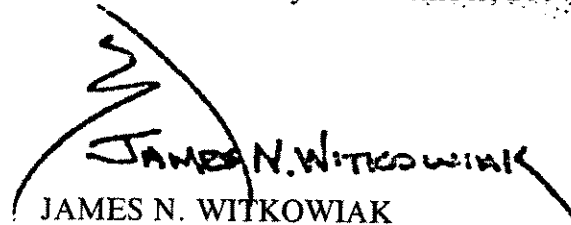
### RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of four (4) ayes and zero (0) noes and one (1) excused recommends that the Class "B" Tavern and Tavern Dance license held by Alfred Garcia for the premises at 2239 S. 13<sup>th</sup> Street in the City and County of



Milwaukee, Wisconsin ("Club Galaxia") not be renewed.

Dated and signed at Milwaukee, Wisconsin this 12<sup>th</sup> day of November, 2004.

A handwritten signature in black ink that reads "JAMES N. WITKOWIAK". The signature is stylized with a large, sweeping flourish that loops back under the name.

JAMES N. WITKOWIAK  
Chairman of the Utilities  
and Licenses Committee

87299